

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Katherine Addie,
Plaintiff

v.

Civil Case No. 1:18-CV-_____

Core Physicians, LLC
d/b/a Core Physician Services
and Exeter Health Resources, Inc.,
Defendants

NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 CORE PHYSICIANS, LLC d/b/a CORE PHYSICIAN SERVICES and EXETER HEALTH RESOURCES, INC., by and through their attorneys, JACKSON LEWIS P.C., hereby remove this action from the Superior Court of the State of New Hampshire, Rockingham County, to the United States District Court for the District of New Hampshire.

In support of this Notice of Removal, Defendants state as follows:

1. On or about January 18, 2017, Katherine Addie dual-filed a Charge of Discrimination with the New Hampshire Commission for Human Rights (“NHCHR”) (Charge No. ED(R) 0050-17) and the Equal Employment Opportunity Commission (“EEOC”) (Charge No. 16D-2017-00051) against Core Physicians, LLC d/b/a Core Physician Services and Exeter Health Resources, Inc., alleging discrimination and retaliation in violation of the Americans with Disabilities Act of 1990 (“ADA”) and the Americans with Disabilities Act Amendments Act (“ADAAA”), 42 U.S.C. § 12101, et seq., and state law, NH RSA 354-A, et seq.

2. A copy of the Charge of Discrimination is appended hereto as Exhibit 1.

3. By letter dated November 15, 2019 and received by Defendants on November 25, 2019, the NHCHR issued a partial finding¹ of probable cause and scheduled a public hearing to be held on January 8, 2020, under the authority of NH RSA 354-A:21, on the issue of whether Plaintiff was retaliated against due to her disability.

4. Pursuant to NH RSA 354-A:21-a, on December 6, 2019, Defendants transferred the Charge to the Rockingham County Superior Court for a trial by jury. A copy of Defendants' Notice of Transfer to Superior Court and Request for Jury Trial Pursuant to NH RSA 354-A:21-A and Summons are attached hereto as Exhibit 2. A certified copy of the state court record will be filed upon receipt of same from the Rockingham County Superior Court.

5. Pursuant to 28 U.S.C. § 1446(a), this notice of removal is timely filed within thirty (30) days of December 6, 2019, the date on which Defendants transferred the matter to the Rockingham County Superior Court.

6. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff alleges retaliation due to her alleged disability in violation of the Americans with Disabilities Act of 1990 ("ADA") and the Americans with Disabilities Act Amendments Act ("ADAAA"), 42 U.S.C. § 12101, et seq., as well as under state law, NH RSA 354-A, et seq.

7. Defendants submit this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

8. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

¹ The NHCHR issued a finding of no probable cause on the claim of disability discrimination.

Respectfully Submitted,
CORE PHYSICIANS, LLC d/b/a
CORE PHYSICIAN SERVICES and
EXETER HEALTH RESOURCES, INC.,
By their attorneys,
JACKSON LEWIS P.C.,

Date: December 12, 2019

By: /s/Debra Weiss Ford
Debra Weiss Ford, NH Bar #2687
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Certificate of Service

I hereby certify that copies of the foregoing were this day served via email and/or the courts' electronic filing systems on:

Keri J. Marshall, Esq.
Marshall Law Office
47 Depot Road
East Kingston, NH 03827
mlaw@nh.ultranet.com

Maureen F. O'Neil, Clerk
Rockingham County Superior Court
P.O. Box 1258
Kingston, NH 03848-1258

Date: December 12, 2019

/s/Debra Weiss Ford
Debra Weiss Ford